

DEC 17 2004

**Ridout & Maybee LLP**

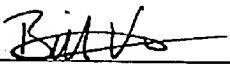
CANADA'S INTELLECTUAL PROPERTY AND TECHNOLOGY LAW FIRM

**FAX TRANSMITTAL**

**Date** December 17, 2004  
**Our File** 33632-0312  
**To** Legal Instruments Examiner  
**Company** The Commissioner of Patents and Trademarks  
United States Patent and Trademark Office  
**Fax number** 1-703-872-9306  
**From** William B. Vass  
**Number of pages** 4  
**including this one**  
**Original** Not Sent  
**Message** RE: U.S. Patent Appln. No. 09/419,923  
Response to Official action due December 22, 2004

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

  
WILLIAM B. VASS  
(Registration No. 36,416)

December 17, 2004  
Date

**PLEASE CONTACT DIANE BROWN AT (416) 868-1515, EXT. 257 IF YOU HAVE ANY QUESTIONS OR COMMENTS REGARDING THIS TRANSMISSION.**

This fax may be client privileged and may contain confidential information intended only for the person(s) named above. Any other distribution, copying or disclosure is strictly prohibited. If you have received this fax in error, please notify us immediately by telephone and return the original transmission to us by mail without making a copy.

ONE QUEEN ST. EAST, SUITE 2400, TORONTO, ONTARIO, CANADA M5C 3B1  
T: 416.868.1482 F: 416.362.0823 ridbee@ridoutmaybee.com www.ridoutmaybee.com  
TORONTO | OTTAWA | MISSISSAUGA

# Ridout & Maybee LLP

CANADA'S INTELLECTUAL PROPERTY AND TECHNOLOGY LAW FIRM

December 17, 2004

**BY FACSIMILE: 1-703-872-9306**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
U.S.A.

**Attention: Legal Instruments Examiner**

Dear Sir:

**Re: UNITED STATES: Patent Application No. 09/419,923**  
**Applicant: Siemens Milltronics Process Instruments Inc.**  
**Title: ACOUSTIC PULSE ECHO RANGING SYSTEM**  
**Our File: 33632-0312**

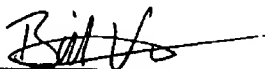
This is in response to the Notice of Non-Compliant Amendment (37 C.F.R. 1.121) dated November 22, 2004.

Enclosed is a revised copy of the "Amendments to the Claims" previously filed with the applicant's amendment dated November 8, 2004. The enclosed "Amendments to the Claims" section clarifies that claims 1 through 7 are cancelled, without prejudice or disclaimer to the subject matter contained therein. It is submitted that the revised "Amendments to the Claims" section complies with the requirements of 37 C.F.R. § 1.121.

The Notice of Non-Compliant Amendment set a deadline of **December 22, 2004** for submission of a corrected section of the applicant's amendment. Accordingly, the applicant believes that no fees are required in connection with this submission. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2400 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, and particularly, extension of time fees.

Favourable consideration of the subject application is requested.

Respectfully submitted



William B. Vass  
Reg. No. 36,416

WBV:MVE:ls  
Encl.